ACCANect 2018

Day 2 Thursday, 13 September 2018

**Session 8: 12:25 – 12:35pm**

**Designing Responsive Regulation: Consumer and public participation in converged communications industry rule-making - Grants Project**

**Presenters:**

**Dr Derek Wilding, Co-Director, Centre for Media Transition, Faculty of Law, UTS**

**Dr Karen Lee, Lecturer, University of New England**

**This session will be a presented by current ACCAN Grants Scheme recipients about a converged regulatory framework for the communications industry. To date, research into consumer and public interest participation in industry rule-making has been limited, and there is no analysis of how such participation can best be deployed to ensure self and co-regulation within the converged sector is responsive and effective. This project commences that analysis with reference to frameworks governing telecommunications, media and online services.**

TERESA CORBIN: If we can get our next speakers up to the stage, which is Derek and Karen, are you going to stand up together? That's what I thought. Our next presentation is from Derek Wilding and Karen Lee who are working on a project fund by ACCAN's grants project which Tanya will be talking about in a minute too but I won't talk much about it because they're going to talk about it.

DEREK WILDING: I'm just going to do a brief introduction and then hand over to Karen. Karen's from the law faculty at the University of New England in Armidale, I'm from the law faculty here at UTS. Just before we go any further I'd like to acknowledge the Gadigal people of the Eora nation on whose lands this campus of UTS now stands. We'd like to pay respect to their elders both past and present and to acknowledge them as the traditional keepers custodians of knowledge for these lands. This project is about an aspect of communications regulation so that's what Karen and I are interested in. It's not about legislation, and laws that are passed by parliament or regulators it's focussing on the rules that are formulated by industry whether that's in self-regulatory forums where there's no regulator involved or in co-regulatory forums where there might be a regulator or there is a regulator involved and that might be for rules or a number of other people here working in some form so we're interested in the way which rules in the communications sector are formed and in this particular project we're interested in one aspect of rule making which is the ways in which consumers participate in that form of rule making so whether that plight be by formal participation in codes and committees, or whether it's some other form of consultation, and we're interested in the distinction between consumers' participating and the public participation in which the general public is asked for their comments or other kinds of involvement in rule making so that's what we're doing and we're trying to look across different sectors of the communications environment so we're looking at telecommunications but we're also looking at aspect of online services and media to see how all of those different ways of consultation come together to try to build a framework that might look at best practice.

DR KAREN LEE: My role is just really to explain the project plan that we have for this. It's actually an 18-month plan, so we're kind of about midway through the research. We've divided the project into two stages, the first stage is really a desk based research component where we're mapping consumer and public participation within the various industry rule making frameworks and when we started the project we were primarily interested in as you would guess telecommunications, media and Internet/online sectors but we have expanded that slightly to include the advertising industry as well just given the historical link between the media and the advertising side. As part of the project we are also going to advisory body comprised of some very distinguished UK academics who will to whom we will be obtaining input, on those important developments overseas, and then the third kind of component of the desk-based research is the traditional literature review. That will culminate in a draft final report by the end of the year and then we will move to stage two of the project where we are planning to hold a series of round tables with the various groups that have an interest in this, we will be having three round tables one with each of consumer groups, industry groups, and regulatory bodies, and the plan is to have that in March of 2019 and we certainly for those who agree -those organisations that agreed to participate we will be distributing a copy of the draft report on which we would very much welcome comments. And then we'll be producing final report by the end of June 2019. The component of the project that's taken the vast majority of the project has been the mapping exercise in terms of trying to understand the number of bodies which undertake either a self or co-regulatory rule making function, in the four sectors that I touched on. And we have really kind of identified 20 bodies that we think are particularly relevant and I think Derek and I have both been surprised at the number of bodies that are engaged in some degree of self-regulation. And really the scope of the review that we've been doing thus far is really trying to understand how those bodies formulate rules, the type of rules that they formulate that have some kind of effect on consumers and then also looking at how they may engage with the consumer group and the public in those rule making exercises. A good number -there isn't that much detail about some of the processes by and look quite extensively at submissions made to Government body and what not but we have certainly kind of drafted some summaries and sent those off to the relevant bodies for comment and we're very grateful to those organisations that have taken the time to engage with us and correct us, if we have made some incorrect errors. Certainly we -there are a number of people in this room who are very familiar with this kind of regulatory space, and if you feel that we have missed any relevant body we would certainly welcome your input on that. That's it. That's all I had to say. At this stage, so thank you. (APPLAUSE)

TERESA CORBIN: We can probably throw to a question if anybody's got one but just one question, any question? No question, well I'm looking forward to this research project. So it's going to be really interesting to see what it comes out and I'm surprised at 20 now. Now I know why I'm exhausted. I'm sure you're feeling the same over there. Thank you very much for that.